

Crl. Misc. No. M-23076 of 2018 (O&M)

(1)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No. M-23076 of 2018 (O&M)

DATE OF DECISION:14.09.2018

Tejinder Singh @ Honey

.....Petitioner

Versus

State of Punjab

.....Respondent

BEFORE:- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Mr. Gaurav Sharma, Advocate
for the petitioner.

Mr. Amit Mehta, Senior DAG, Punjab.

DAYA CHAUDHARY, J.

Crl. Misc. No. 25698 of 2018

This application has been filed for placing on record Annexures P-2 and P-3.

Application is allowed and Annexures P-2 and P-3 are taken on record.

Crl. Misc. No. M-23076 of 2018

The present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to petitioner-Tejinder Singh @ Honey in case FIR No. 114 dated 12.10.2017 registered under Sections 307,482,115,120-B IPC, 22/61/85 of NDPS Act and 25 of the Arms Act at Police Station Haryana, District Hoshiarpur.

Learned counsel for the petitioner contends that the petitioner was neither named in the FIR nor he was present at the place of occurrence. The recovery was also not effected from the petitioner. He has been implicated on the basis of disclosure statement made by co-accused.

Learned counsel further contends that co-accused of the petitioner, namely, Hemank Joshi and Chetan Sharma have already been released on regular bail by this Court vide orders dated 28.5.2018 and 1.6.2018, respectively. All the material witnesses have been examined. The petitioner is in custody since 12.10.2017 and there is no possibility that the petitioner may influence the witnesses or tamper with evidence.

Learned counsel for the respondent-State has not disputed the custody period as well as the facts that the petitioner was not arrested from the place of occurrence and co-accused have already been released on regular bail.

Heard the arguments advanced by learned counsel for the parties and have also gone through the contents of the FIR and other documents available on file.

Keeping in view the submissions made by learned counsel for the petitioner and also the facts that the petitioner was not arrested from the place of occurrence; he has been implicated in this case only on the basis of disclosure statement made by co-accused; co-accused have already been released on regular bail and the petitioner is in custody since 12.10.2017, the present petition is allowed. Petitioner-Tejinder Singh @ Honey is directed to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of trial Court.

September 14, 2018
pooja

(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes